

# WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

## SPECIAL EXCEPTION APPLICATION



OFFICE USE ONLY DOCKET #: \_\_\_\_\_ FILING DATE: \_\_\_\_\_  
FILING FEE: \$ \_\_\_\_\_

### PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: August 8, 2023

### PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: 1406-PUD-09 AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

### APPLICANT INFORMATION

APPLICANT'S NAME: Westfield Washington Schools TELEPHONE: 317.867.8013

ADDRESS: 19500 Tomlinson Road, Suite B, Westfield, IN 46074 EMAIL: tomamichelb@wws.k12.in.us

PROPERTY OWNER'S NAME: Westfield Washington Schools TELEPHONE: 317.867.8013

ADDRESS: 19500 Tomlinson Road, Suite B, Westfield, IN 46074 EMAIL: tomamichelb@wws.k12.in.us

REPRESENTATIVE'S NAME: Matthew Skelton TELEPHONE: 317.508.6288

COMPANY: Church Church Hittle + Antrim EMAIL: mskelton@cchalaw.com

ADDRESS: 116 North Union Street, Westfield, IN 46074

### PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17695 Shamrock Boulevard, Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-05-36-00-04-003.000, 09-05-36-00-04-004.000

EXISTING ZONING DISTRICT(S): Junction PUD EXISTING LAND USE(S): parking lot

### SPECIAL EXCEPTION REQUEST

CODE CITATION: UDO 5.4(D) FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):

Requesting approval of a Special Exception in accordance with UDO Section 5.4(D).




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**APPLICANT AFFIDAVIT**


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IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

*Andrew Wert*  
Applicant/Representative (signature)

Andrew Wert  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 14<sup>th</sup> day of Aug, 2023.

State of Indiana County of Hamilton ss:



JOAN E. GUILKEY  
MY COMMISSION EXPIRES: 2-19-2024  
MY COMMISSION NUMBER IS: 678833  
MY COUNTY OF RESIDENCE IS: HAMILTON

*Joan E. Guilkey*  
Notary Public Signature  
Joan E. Guilkey  
Notary Public (printed)

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**PROPERTY OWNER AFFIDAVIT**


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IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

*Brian Tomamichel*  
Property Owner (signature)\*

Brian Tomamichel  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 11 day of August, 2023.

State of Indiana County of Hamilton ss:



Cynthia E Nicole  
Notary Public, State of Indiana  
Hamilton County  
Commission #NP0704491  
My Commission Expires  
August 23, 2025

*Cynthia E Nicole*  
Notary Public Signature  
Cynthia E Nicole  
Notary Public (printed)

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.





**FINDINGS OF FACT (SPECIAL EXCEPTION)**

APPLICANT: Westfield Washington Schools DOCKET #: \_\_\_\_\_

In taking action on a special exception, the Board of Zoning Appeals uses the following decision criteria to approve or deny a special exception. The applicant must address the criteria below. The Board may impose reasonable conditions as part of its approval. A special exception may be approved by the Board only upon a determination that the Board finds all of the following to be true:

- A. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare because:  
The property is owned by Westfield-Washington Schools, which is an Educational Institution as defined by the Westfield-Washington Township Unified Development Ordinance. An Educational Institution is a permitted use in the underlying zoning districts for this property.
  
- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood because:  
The tax-exempt nature of the ownership of the parcel will not have an impact on the use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair property value within the neighborhood.
  
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because:  
The use of the property as an Educational Institution is merely an extension of already-present facilities.
  
- D. Adequate utilities, streets drainage, and other necessary facilities have been or are being improved:  
All utilities necessary to serve the site are adjacent to or in reasonable proximity to the property.
  
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion:  
Ingress and Egress already exist on the property.
  
- F. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met:  
The school, as an Educational Institution, is permitted in the underlying zoning districts.

## **Narrative Statement**

### **WWS Special Exception**

**17655 Shamrock Boulevard, Westfield, Indiana**

Westfield Washington Schools (the “School”) owns approximately 3.83 +/- acres of real estate located on Shamrock Boulevard, east of Riverview Hospital (the “Real Estate”). The Real Estate is located within the Junction PUD, which was originally approved in 2014.

The School is an Educational Institution as defined in the Unified Development Ordinance. Educational Institutions are a permitted use in the underlying zoning districts. The Real Estate has been used in the past for diamond sports. The School intends to use the property for tennis and pickleball.

The Real Estate is also located within the Economic Development District Overlay. The Economic Development District Overlay permits Public Safety and Service Uses. However, Educational Institutions are excluded from the definition of Public Safety and Service Uses. The Economic Development District Overlay standards provide that tax exempt uses shall be permitted only as a Special Exception within the Overlay. This Special Exception petition has been filed to address the tax exempt issue. The intended land use is already permitted.